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SUPREME COURT NO. 84296-5
COURT OF APPEALS NO. 62167-0

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

PHOENIX DEVELOPMENT, INC., a Washington Corporation, and G&S
SUNDQUIST THIRD FAMILY LIMITED PARTNERSHIP, a
Washington limited partnership,

Appellants,

v.

CITY OF WOODINVILLE, a Washington Municipal Corporation, and
CONCERNED NEIGHBORS OF WELLINGTON, a Washington
Nonprofit Corporation,

Respondents.

PHOENIX DEVELOPMENT STATEMENT OF ADDITIONAL
AUTHORITIES

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Respondents Phoenix Development, Inc. and G&S Sundquist Third Family Limited Partnership respectfully submit the following Statement of Additional Authorities for the Court's consideration:

1. *State ex rel. Randall v. Snohomish County*, 79 Wn.2d 619, 488 P.2d 511 (1971) (in this case decided prior to *Fleming v. Tacoma*, 81 Wn.2d 292, 502 P.2d 327 (1972), site-specific rezone decision treated as legislative rather than quasi-judicial);

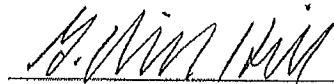
2. *Phillips v. City of Brier*, 24 Wn.App. 615, 622, 604 P.2d 495 (1979) (administrative conditional use permit properly denied, and therefore denial not arbitrary and capricious, when "the council properly followed and applied the criteria established in its comprehensive zoning ordinance **as required**" (emphasis added));

3. *Ullock v. City of Bremerton*, 17 Wn.App. 573, 565 P.2d 1179, review denied, 89 Wn.2d 1011 (1977) (City Council **approval** of site-specific rezone not invalid as against claims of SEPA non-compliance);

4. *Washington Association for Retarded Citizens v. City of Spokane*, 16 Wn.App. 103, 109, 553 P.2d 450 (1976) (Council denial of special use permit for group home not arbitrary and capricious when "there is nothing in the record to indicate that the council failed to follow the [legislatively established] guidelines contained in the ordinance").

RESPECTFULLY SUBMITTED this 8th day of March, 2011.

McCULLOUGH HILL LEARY PS

A handwritten signature in dark ink, appearing to read "G. Richard Hill", is written over a horizontal line.

G. Richard Hill, WSBA #8806
Attorneys for Respondents

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From: Laura Counley [<mailto:Laura@mhseattle.com>]

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Cc: Rich Hill; tharris@goodsteinlaw.com; rick@aramburu-eustis.com; Eustis@aramburu-eustis.com; grubstello@omwlaw.com; mwalter@kbmlawyers.com; johns@jmmlaw.com; mmurphy@groffmurphy.com; phil@tal-fitzlaw.com; dheid@auburnwa.gov; Molly Matter

Subject: Phoenix v. City of Woodinville, No. 84296-5

Clerk of Court,

Attached, please find the following documents:

1. Phoenix Development Statement of Additional Authorities; and
2. Proof of Service.

Case Name: Phoenix Development, Inc., et. al. vs. City of Woodinville, et al.

Case Number: Supreme Court No. 84296-5, Court of Appeals No. 62167-0

Filed by: G. Richard Hill, WSBA# 8806

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Thank you.

Laura D. Counley

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